

MAINE STATE LEGISLATURE

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Legislative Record

of the

Seventy-Third Legislature

of the

State of Maine.

1907.

quested to be released from serving on the committee of Investigation in relation to Inland Fish and Game and the President appointed in his stead Senator Parkhurst of Penobscot.

On motion by Mr. Foss of Cumberland the Senate adjourned to meet on Monday January 28 at 4.30 P. M.

HOUSE.

Friday, January 25 1907.

Prayer by Rev. Mr. Gibson of Augusta.

Papers from the Senate disposed of in concurrence.

The following petitions, bills, etc., were presented and referred:

Judiciary.

By Mr. Lord of Parsonsfield—Bill, "An Act to incorporate the Kezzar Falls Water Company." (Tabled for printing pending reference to the committee on motion of Mr. Lord.)

By Mr. Goodwin of Sanford—Bill, "An Act to incorporate the Bonny Eagle Light and Power Company."

By Mr. Johnson of Waterville—Bill, "An Act to amend Section 11 of Chapter 61 of the Revised Statutes relating to the solemnization of marriages.

By Mr. Waldron of Dexter—Bill, "An Act to regulate and establish mileage rates for the conveyance of passengers over the steam railroads within the State.

By Mr. Dyer of Buckfield—Bill, "An Act to amend Chapter 6 of the Revised Statutes as amended by Chapter 135 of the Public Laws of 1905, in relation to elections."

By Mr. Danforth of Skowhegan--Resolve proposing an amendment to the Constitution for the election of Secretary of State, Treasurer and Attorney General by the qualified electors of the State.

Legal Affairs.

By Mr. Hadlock of Cranberry Isle--Petition of Colonial Granite and Stone Company and 5 others to authorize the town of Swan's Island to assist to install communication by wire with the mainland.

By Mr. Tolman of Portland--Petition of Mayor, Aldermen and 93 other citizens of Gardiner that the insane poor be supported by the State; also, Bill, "An Act to amend Chapter 144, Section 22, of the Revised Statutes regarding support in insane hospitals." (Tabled for printing pending reference on motion of Mr. Davies of Yarmouth.)

By Mr. Martin of Bangor--Bill, "An Act to amend Section 10 of Chapter 12

of the Revised Statutes relating to county law libraries."

By Mr. Kelley of Farmingdale—Bill, "An Act to amend Section 48 of Chapter 125 of the Revised Statutes, as amended by the Public Laws of 1905, Chapter 70, relating to cruelty to animals."

Railroads and Expresses.

By Mr. Milliken of Island Falls—Bill, "An Act to provide for a transferable two-cent mileage on the Bangor & Aroostook Railroad."

Banks and Banking.

By Mr. Oram of Bristol—Bill, "An Act to incorporate the Lincoln County Trust Company."

By Mr. Higgins of Ellsworth—Bill, "An Act to incorporate the Union Trust Company of Ellsworth."

Agriculture.

By Mr. Kendall of Bowdoinham—Bill, An Act to amend Chapter 29 of the Public Laws of 1905 entitled An Act to provide for the protection of trees and shrubs from the introduction and ravages of dangerous insects and diseases. (Tabled pending reference on motion of Mr. Lord of Parsonsfield.)

Military Affairs.

By Mr. Flaherty of Portland—Bill, "An Act to reimburse officers and enlisted men for expenses incurred by sickness in the war with Spain.

Ways and Bridges.

By Mr. Sprague of Drew Plantation—Petition of E. M. Sprague and 26 others, tax-payers of Kingman and Drew Plantation, asking that the sum of \$2,000 be appropriated by the State to aid in the construction of a highway road from Kingman Village to Sprague's Mill in Drew Plantation.

By Mr. Pinkham of Lincoln—Remonstrance of H. P. Osgood and 5 others against foregoing petition.

By Mr. Milliken of Island Falls—Resolve providing for assistance in rebuilding the East Branch bridge in the town of Oakfield, with statement of facts.

Inland Fisheries and Game.

By Mr. Farrar of Corinth—Petition

of B. L. Foss and 39 others praying that Eoyd lake be opened to winter fishing during February and March, making four months of ice fishing instead of two as it is now.

Shore Fisheries.

By Mr. Hibbard of Perry—Remonstrance of John L. Gleason and 55 others of Perry against the passage of any law permitting the use of torches and seines on the coast of eastern Maine.

By Mr. Davies of Yarmouth—Bill, "An Act for the better protection of shell fish within the town of Yarmouth in the county of Cumberland." Tabled for printing, pending reference on motion of Mr. Davies.

Indian Affairs.

By Mr. Weld of Oldtown—Petition of Gov. Joseph Francis and 46 others of the Penobscot tribe of Indians for an annual appropriation; also Resolve making appropriation for Penobscot tribe of Indians.

Pensions.

By Mr. Allen of Mt. Vernon—Resolve in favor of Betsey Storer of Mt. Vernon; also Resolve in favor of Lettie Whittier of Mt. Vernon.

Temperance.

By Mr. Sprague of Drew Plantation—Remonstrance of Eugene Dicker and 8 others of Lakeville Plantation against Resubmission.

By Mr. Newton of Webster—Remonstrance of Guy M. Hinkley and 64 others of Wales and Greene against Resubmission; also remonstrance of Seth Howard and 32 others of Leeds against same.

Orders.

On motion of Mr. Safford of Kittery, Ordered, That the Committee on Military Affairs be directed to inquire what property or interest this State has in the old armory in Kittery, formerly used by Company B, artillery, in the first division of Maine volunteer militia, with reference to disposing of the same, and report by bill or otherwise.

On motion of Mr. Milliken of Island Falls,

Ordered, The Senate concurring, that the Committee on Salaries and Fees be directed to investigate the expenditures of the various State departments for transportation, clerk hire and office sundries, and report by bill or otherwise; and ordered further that the committee have power to summons persons and papers and to employ a stenographer and any other assistance necessary for the performance of the duty with which the committee is charged.

Reports of Committees.

Mr. Hadlock from the Committee on Legal Affairs reported ought not to pass on Bill, "An Act to limit the tenure of office.

Mr. Dyer from same committee reported ought to pass on Bill, "An Act to incorporate the Shore Acres Water Company.

Mr. Dunton from same committee reported ought to pass on Bill, "An Act to extend the charter of the Mattinawcook Manufacturing Company.

Mr. Newcomb from the Committee on Appropriations and Financial Affairs reported ought to pass on Resolve in favor of the Children's Aid Society of Maine.

Mr. Joy from same committee reported ought to pass on Resolve in favor of the Bar Harbor Medical and Surgical Hospital located at Bar Harbor, Maine.

Mr. Davies from the Committee on Judiciary reported ought to pass on Bill, "An Act to amend the charter of the Augusta Water District.

Mr. Martin from the Committee on Legal Affairs reported in a new draft, Bill, "An Act in relation to the employment of custodians of elevators, and that it ought to pass.

Mr. Scates from the Committee on Appropriations and Financial Affairs reported ought not to pass on Bill, "An Act to establish a board for the improvement of the condition of the adult blind in Maine.

Mr. Merriman from same committee reported ought to pass on Resolve in favor of the Eastern Maine General Hospital.

Mr. Merriman from same committee reported ought not to pass on Resolve in favor of the Maine Industrial School and Shop for the Blind.

Mr. Hadlock from the Committee on Legal Affairs reported ought to pass on Bill, "An Act to change the name of the Maine Congregational Charitable Society to the Maine Congregational Ministerial Aid Society.

Mr. Smith from the Committee on Judiciary reported ought not to pass on Bill, "An Act amending Chapter 468 of the Private and Special Laws approved March 18, A. D. 1897, relating to the retirement of the members of the Portland Fire department on half pay.

The reports were accepted and bills and resolves ordered printed under joint rules.

First Reading of Printed Bills and Resolves.

An Act additional to and amendatory of Chapter 215, Special Laws of 1891, entitled "An Act to incorporate the York Light and Heat Company."

An Act to renew and extend the Charter of the Boothbay Harbor Trust Company.

An Act to extend the charter of the South Portland Trust Company.

An Act to extend the charter of the Deering Trust Company.

An Act to prevent the pollution of the waters of North or Varnum's Pond.

An Act to amend Chapter 193 of the Private and Special Laws of 1887 as amended by Chapter 464 of the Private and Special Laws of 1897 relating to the Fryeburg Horse Railroad Company.

An Act to extend the time of construction of the Boothbay Railroad.

An Act to establish and make uniform the compensation of the Prison and Jail Inspectors.

An Act to extend the charter of the Belfast Banking Company.

An Act to amend the charter of the Security Trust Company.

An Act to amend chapter 163, Public Laws of 1905, relating to the exemption of soldiers and sailors from poll tax.

Resolve in favor of the Girl's Orphanage in the city of Lewiston

under the auspices of the Sisters of Charity.

Resolve in favor of the Maine Institution for the Blind.

Passed to Be Engrossed.

An Act additional to Chapter 49, Revised Statutes, providing for the transmission, to Registers of Probate, of the names of all Qualified Corporate Surety Companies.

An Act to legalize and make valid certain doings of the town of Danforth in the County of Washington.

Resolve in favor of the Eastern Maine Insane Hospital.

Resolve in favor of the Healy Asylum.

Resolve in favor of the Home for Friendless Boys.

An Act to amend Section twenty-three of Chapter one hundred and fourteen of the Revised Statutes, and to repeal Chapter one hundred and thirty-one and one hundred and thirty-four of the Public Laws of 1905 relating to relief of poor debtors.

Resolve in relation to early York deeds.

Resolve in favor of the Central Maine General Hospital.

Resolve in favor of the York Hospital.

Resolve in favor of Young Woman's Home at Lewiston.

Orders of the Day.

On motion of Mr. Johnson of Waterville, Resolve proposing an amendment to article four of the constitution of the State of Maine establishing a people's veto through the optional referendum and a direct initiative through petition and at general or special elections, was taken from the table and referred to the committee on judiciary.

Investigation of Liquor Agencies.

Mr. SMITH of Patten: Mr. Speaker, I move that House document 23, the order for the investigation of the State and town liquor agencies, be taken from the table.

I desire to state that when I tabled the order I did not do it with any purpose of obstructing any proper investi-

gation of any department of this State where necessity called for it or any useful purpose could be subserved by such an investigation; for I do not believe there is a member of this House who would not be in favor of investigating any department of the State where there was reason to believe an investigation should be had. But personally I may be permitted to say that I do not believe that orders for investigation should be passed where there are no specific charges and no evidence to be adduced against the official to whom the order is directed. And, further, in this particular instance it seemed to me that such an investigation would be futile and accomplish no good result, for the reason, first, that the State liquor agent is directly under the control of the Governor and Council who have direct charge of the liquor agent, all his accounts and all his doings.

A further objection occurred to me, and that was this: that the town liquor agents are under the direct control of the municipal officers, they are subject to appointment and removal by the municipal officers; and you could no more investigate—I am merely giving my personal views—the agent of any town any more than you could properly investigate the treasurer of the town of Moro, for instance, or the clerk of the town of Moro or the constable of the town of Moro. I believe that such investigations should not be ordered. I also believe that the gentleman introducing the order (Mr. Newbert of Augusta) acted with the utmost good faith and integrity in the matter, that he would have no purpose of doing an unkind thing; and there are special reasons known to the friends of the State liquor agent in this House why an investigation at this time would be, unintentionally, unkind. The gentleman had no such purpose of course nor such intention, but the very fact of an order for investigation—unless as I said some useful purpose is to be subserved or there are some charges to be made against the official—is always unkind because it raises a suspicion where no suspicion should exist. Suspicion never should be placed upon any man by an order for an investi-

gation of his office or the department over which he has control unless grounded upon some fact. Now I have been assured that in this particular case there are no specific charges to be made, and there is no evidence to support any charges, but having full faith in the integrity and the judgment of the gentleman who introduced this order, I myself make no motion in relation to it for I believe that he will cheerfully do whatever seems proper and right. I merely submit my personal views.

The question being on the motion to take the order from the table,

The motion was agreed to.

Mr. NEWBERT of Augusta: Mr. Speaker, having introduced this order I deem it perhaps my duty to make a brief statement as to my purpose. I did not do it because I desire to create a sensation, neither to gain partisan advantage. After deliberation and frequent consultation with members of both parties in this House and Senate I introduced this order, earnestly and honestly believing it to be in the interests of good government and the efficient and honest administration of affairs.

You will notice that there is no charge preferred against any official, but the order does carry with it, gentlemen of the House, a condemnation of the whole liquor agency system in Maine. No other department of business in the State is so little known in detail as this. Under our commissioner the State of Maine does a business of a hundred thousand dollars a year in rum! I submit that the people of Maine have a right to know something about the business methods and the transactions of this department. I am not sure that the average member of this House even knows the name of our liquor commissioner. A hundred thousand dollars a year. Seven counties in the State embracing half the population of Maine do not call for a State rum shop. They are very ill in some sections of the State for reasons unknown to me. My own town of Augusta has not had an agency for fourteen years, and we have kept in pretty fair health, even surviving the

severe dispensation of Providence provided in the Sturgis law. Not only is there a lack of publicity in regard to this matter, but no other department in the State has been so long under suspicion as this. You hear condemnation of the system everywhere. You get it from people responsible and people irresponsible. The press has been full of it. And because of this wide-spread suspicion I submit, Mr. Speaker and gentlemen of the House, that this order is a proper one. Why, I never have known of a town or city agency that did not have attached to it scandal everywhere. If the men who control this department have clean hands they need not fear an investigation on the part of this 73d Legislature. If their hands are dirty with pitch, I submit they should be punished, that is all. The whole system has been a stench for years in the nostrils of decency.

I had intended this morning, Mr. Speaker, to move the passage of this order. The friends of Mr. Leavitt have advised me that Mr. Leavitt is ill and that to call him before the committee as a witness would entail a hardship. I have no spite embodied in that order. I do not wish to persecute any man, and I am perfectly willing, in view of the physical condition of Mr. Leavitt, that the House should defer action; and I move you, Mr. Speaker, that because of these things this order lie upon the table.

The motion was agreed.

On motion of Mr. Waldron of Dexter the vote was reconsidered whereby the House referred to the committee on judiciary the bill to regulate fares upon railroads, and on further motion by the same gentleman unanimous consent was given to withdraw the bill.

On motion of Mr. Barker of Exeter the rules were suspended and that gentleman introduced the following:

Ordered, That the members and officers of the Legislature be furnished with express transportation for all packages of department reports in a sum not exceeding five dollars for each member and officer thereof, and that such transportation be furnished under

the direction of the State library department.

On motion of Mr. Havey of Sullivan the bill providing for the better enforcement of the laws against the manufacture and sale of intoxicating liquors, was taken from the table and referred to the committee on legal affairs.

On motion of Mr. Lord of Parsonfield the bill relating to the protection of trees and shrubs from dangerous insects, was taken from the table, and on further motion by Mr. Lord unanimous consent was given to withdraw the bill for the purpose of amendment.

On motion of Mr. Oram of Bristol,

Adjourned till Monday afternoon at 4.30 o'clock.